# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	l d	Force	<b>V</b>	Discourt.	
Santosh Prakash		Squad #8	201603528		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Monday, 12/21/2015 11:15 AM		Inside of § 87(2)(b)			90	6/	21/2017	6/21/2017
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Rece	eived at CCI	RB
Fri, 04/15/2016 2:16 PM		IAB	Phone		Mon, 04/2	5/201	6 11:05 AN	А
Complainant/Victim	Type	Home Addi	ress					
Witness(es)		Home Addı						
Subject Officer(s)	Shield	TaxID	Command					
1. POM Kareem Phillips	02555	929558	QB SSZN					
Witness Officer(s)	Shield N	lo Tax No	Cmd Name					
1. POM Oswaldo Carrion	15059	920100	QB SSZN					
Officer(s)	Allegation	on			Inve	estiga	tor Recon	nmendation
A.POM Kareem Phillips  B.POM Kareem Phillips	Force: Police Officer Kareem Phillips struck with an asp.  Discourtesy: Police Officer Kareem Phillips spoke							
C.POM Kareem Phillips	Discourt	eously to <sup>§ 87(2)(b)</sup> esy: Police Officer Kar eously to <sup>§ 87(2)(b)</sup> als.	reem Phillips spoke	and				

# **Case Summary**

On April 15, 2016, the following incident was reported to IAB by \$87(2)(b) a journalist at NY1 News, prior to his broadcast of a news story on \$87(2)(b) the victim in this case. The broadcast featured cell phone video footage of the incident, first obtained by \$87(2)(b) (B.R. 06 - \$87(2)) Feature) The incident was subsequently covered by other news media, including the \$87(2) in articles linking back to the \$87(2) video. (B.R. 07 -
Press Articles) On April 25, 2016, the CCRB received an IAB informational regarding the incident and began its investigation, which was docketed under the agency's sensitive case list. (B.R. 08 – IAB Informational Log)
On December 21, 2015, at approximately 11:05 am, \$87(2)(b) was an active participant in a large physical altercation between two rival groups of students at \$87(2)(b) located at \$87(2)(b) in Brooklyn. The altercation, which occurred in a hallway inside the school, was quickly responded to by various officials, one of whom was PO Kareem Phillips of School Safety Division (SSD). In the hallway, PO Phillips soon became physically engaged with separating him from another student. With the help of a school staff member, PO Phillips moved \$87(2)(b) into an adjoining classroom. Once inside the classroom, while being restrained by the staff member, \$87(2)(b) fell to the floor. Standing nearby, PO Phillips immediately stepped forward and struck \$87(2)(b) with his asp (Allegation A). While doing so, PO Phillips shouted at \$87(2)(b) stating "stop motherfucker, stop!" (Allegation B) PO Phillips then struck \$87(2)(b) with his asp again, continuing to shout: "Stop! – stop motherfucker, stop!" PO Phillips then strikes \$87(2)(b) again, shouting "you got the fucking cops here! – stop! – you going to fuck around?" After handcuffing \$87(2)(b) PO Phillips turned to the surrounding students in the classroom, some of whom were video
recording, and told them they could record if they wanted, allegedly using profanity in his remark (Allegation C). PO Phillips later issued \$87(2)(b) a disorderly conduct summons, which was ultimately dismissed. An SSD Criminal Incident Report was prepared. (B.R. 22 – \$87(2)(b) Summons (dismissed); B.R. 24 – SSD Criminal Incident Report) The school suspended and the other involved students for 30 days, and prepared two reports regarding the altercation. \$87(2)(b) obtained no documented medical treatment. (B.R. 16 – \$87(2)(b) Occurrence Report; B.R. 17 – \$87(2)(b) Chronology)
Parts of the incident were recorded on cell phone video. The investigation obtained five brief video segments, each documenting a different incident phase: Video 1, the media publicized footage, is embedded on page 3, and Videos 2, 3, and 4 are embedded on page 4. (The same are linked at: B.R. 01 – Video 1, Classroom Force; B.R. 02 – Video 2, Hallway Struggle; B.R. 03 – Video 3, Students Fighting; B.R. 04 – Video 4, Initial Encounter; B.R. 05 – Video 5, Handcuffing)
Mediation, Civil and Criminal Histories
This case was not mediation eligible. In January 2016, \$87(2)(b) filed a Notice of Claim. In April 2016, \$87(2)(b) filed a federal civil rights action against the NYPD, in pendency. A 50-h hearing was not conducted. (B.R. 09 – NOC & Civil Suit) \$87(2)(b)

#### Civilian and Officer CCRB Histories

- has not filed any prior CCRB complaints (B.R. 28 Civilian History).
- PO Phillips has been a member of service for 14 years. During this time, he was a subject in one prior complaint (# 200503757), in which two force allegations (pushing) were Unsubstantiated. § 87(2)(2)

## **Potential Issues**

Through his civil attorney \$\frac{87(2)(b)}{2}\$ also declined access to his client \$\frac{87(2)(b)}{2}\$ a student involved in the fight. Despite extensive witness contact attempts, the investigation was only able to obtain phone statements from two of the classroom students, \$\frac{87(2)(b)}{2}\$ and \$\frac{87(2)(b)}{2}\$ neither of whom cooperated in providing verified statements. Other identified classroom students were unreachable. Consequently, further cell phone footage was also unobtainable. \$\frac{87(2)(b)}{2}\$ in Video 1, moved to Maine in early 2016, and contact attempts were unsuccessful.

### **Findings and Recommendations**

Allegation A: Force – Police Officer Kareem Phillips struck \$87(2)(6) with an asp.

video1.mp4

It is undisputed that PO Phillips struck § 87(2)(b) with his asp twice, while using profanity against him. While some key aspects of the classroom dynamic are disputed, Video 1 (embedded above) shows the following series of actions. The recording begins with \$87(2)(6) on the floor, just past the doorway, as \subseteq 87(2)(b) tries to pull him further inside the classroom (00:04). His left hand already on the door handle, §37(2)(b) then gets up (00:05), with § now holding onto him with both hands. As \$ 37(2)(b) starts to stand upright, tries to hold him against the wall, possibly pushing him in the process (00:06). reacts by placing his hands on § 87(2)(6) arms, and appears to begin pushing § (00:08). In doing so, \$87(2)(b) suddenly moves towards \$87(2)(b) - appearing to shift forward by his own momentum – and then falls to the floor, making contact with a desk (00:10). PO Phillips, looking out into the hallway, asp in hand, starts turning to \( \frac{8.87(2)(b)}{2.00} \) he falls forward. As \$87(2)(b) makes contact with the desk, PO Phillips steps toward him, stating "yo!" repeatedly. Immediately after \$87(2)(b) hits the floor, with his left hand on s upper back, PO Phillips strikes \$87(2)(b) with his asp twice (first at 00:11, second at 00:15). For the first strike, §87(2)(b) has both hands on §87(2)(b) (00:11). After the first strike, PO Phillips shouts: "stop! – stop motherfucker, stop!" Through the second strike and after, PO Phillips shouts: "you got the fucking cops here! - stop! - you going to fuck around?" (00:13 – 00:19) (B.R. 01 – Video 1, Classroom Force)

As partially documented in Video 2, Video 3, and Video 4 (all embedded below), it is undisputed that [SB7(2)[5]] had been aggressively fighting with other students, and that the hallway at the

time was crowded and chaotic. Video 2 shows PO Phillips (uniformed black male) grabbing and pulling on (back turned, in grey/pink, at 00:01 - 00:02), who appears to be swinging his fist at someone outside the camera frame (00:02). What follows is unclear: PO Phillips initially appears to lose his grasp on (00:05), but then appears to be regaining control (at 00:08), as the surrounding crowd starts falling at his feet. (See: B.R. 02 – Video 2, Hallway Struggle; B.R. 03 – Video 3, Students Fighting; B.R. 04 – Video 4, Initial Encounter)

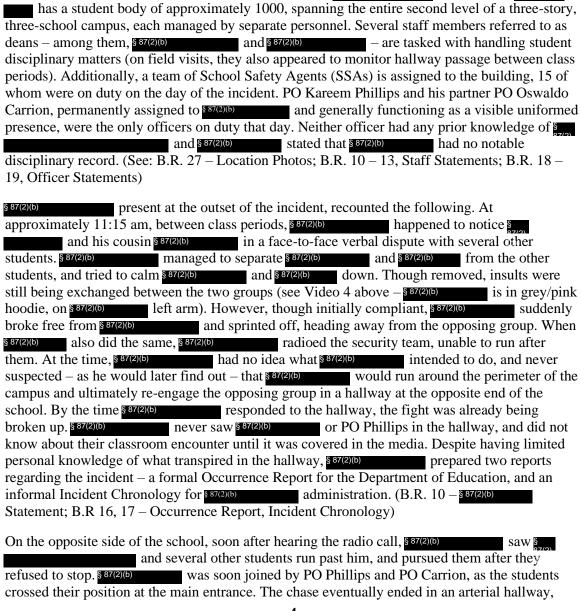


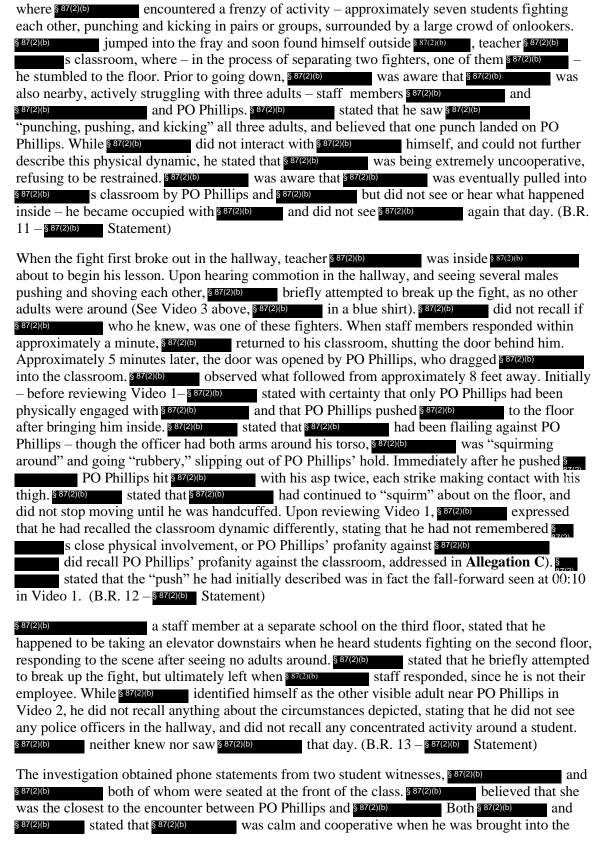
Video2.mp4 Video3.mp4 video4.mp4

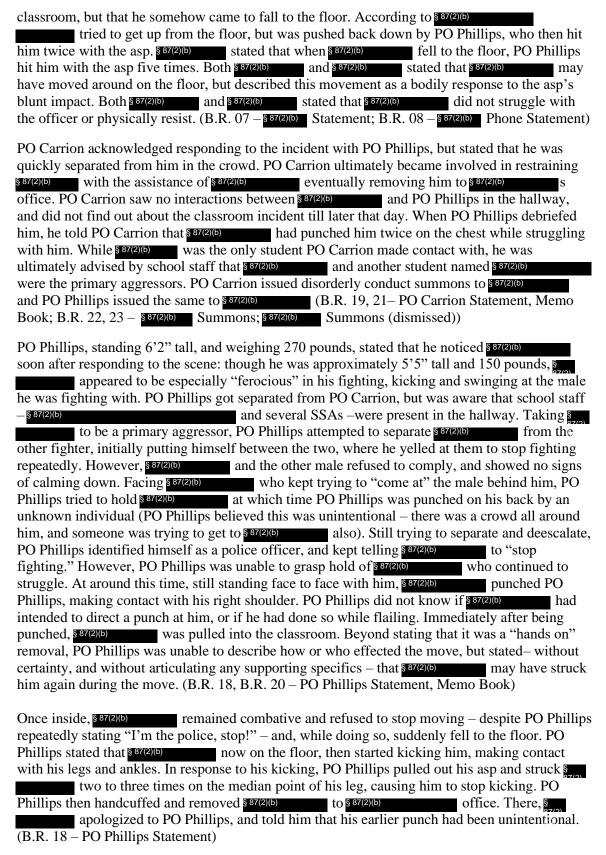
campus and obtaining statements from staff. Located at \$57(2)(b) in Brooklyn, \$57(2)(b)

on multiple occasions, touring its

The undersigned investigator visited § 87(2)(b)







he had kicked him, but could not specify when the kicking occurred: PO Phillips could not identify any point in the recording which either clearly showed or indirectly indicated that was kicking from his position on the floor, or actively resisting in any other manner. PO Phillips did not recall exactly how \$87(2)(b) s legs were positioned or exposed, but maintained that the asp made contact with his legs. PO Phillips ultimately stated that he struck because he "was not complying" – to make him "stop resisting." PO Phillips acknowledged that he used profanity against \$87(2)(b) while striking him, because his verbal commands were not working, but denied calling \$87(2)(b) a "motherfucker." (B.R. 18 – PO Phillips Statement)
Patrol Guide Procedure 203-11 dictates that officers may use only the minimum necessary force required to overcome resistance. (B.R. 25 – P.G. 203-11)
§ 87(2)(b), § 87(2)(g)
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§ 87(2)(b), § 87(2)(g)
\$ 87(2)(g)
Allegation B: Discourtesy – Word: Police Officer Kareem Phillips spoke discourteously to
In Video 1, PO Phillips can be heard making the following remarks to \$\frac{87(2)(b)}{27(2)} As \$\frac{87(2)(b)}{27(2)} hits the floor, PO Phillips strikes him with the asp, while shouting "stop! – stop motherfucker, stop!" PO Phillips then strikes \$\frac{87(2)(b)}{27(2)} again, shouting "you got the fucking cops here! – stop! – you going to fuck around?" (00:13 – 00:19) (B.R. 01 – Video 1, Classroom Force)

PO Phillips acknowledged that he used profanity against \$87(2)(b) while striking him, because his verbal commands were not working, but denied calling him a "motherfucker." PO Phillips stated that he needed to "use another language" to gain \$87(2)(b) s compliance. (B.R. 18 – PO Phillips Statement)
Patrol Guide Procedure 203-09 states that officers must remain courteous and respectful when interacting with the general public. (B.R. $26 - P.G.\ 203-11$ )
§ 87(2)(b), § 87(2)(g)
§ 87(2)(g)
Allegation C: Discourtesy – Word: Police Officer Kareem Phillips spoke discourteously to and individuals.
In his interview, \$87(2)(b) stated that PO Phillips, after handcuffing \$87(2)(b) turned to the classroom and stated "you can take whatever the heck you want," referring to the students actively video recording on their cell phones. \$87(2)(b) stated that he was substituting the word "heck" for a more profane expletive, but could not recall and did not wish to approximate what this word was. (B.R. 12 – \$87(2)(b) Statement)
Both \$57(2)(b) and \$57(2)(b) while striking him, later used profanity against the classroom. \$57(2)(b) while striking him, later used profanity against the classroom. \$57(2)(b) turned to the class and stated: "you can fucking record, whatever." \$57(2)(b) did not recall the exact phrasing of PO Phillips' remark, but was certain that he used the word "fuck" in this specific context. (B.R. 07 – \$57(2)(b) Phone Statement) \$57(2)(b) stated that PO Phillips, before exiting the classroom with \$57(2)(b) handcuffed, told "everyone" in the classroom that he "doesn't give an 'F' who's recording, that they can record because he was doing his job." \$57(2)(b) was certain that PO Phillips used the 'F word' in expletive form when he made the remark, but refused to say the word herself. (B.R. 08 – \$57(2)(b) Phone Statement) \$57(2)(b) and \$57(2)(b) did not cooperate in providing verified statements (see Potential Issues).
PO Phillips denied verbally engaging with other students in the classroom, or using any profanity towards them, regarding their cell phone recording or otherwise. (B.R. $18 - PO$ Phillips Statement)
There is no video or audio evidence of the alleged interaction.
§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)				
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§ 87(2)(g)				
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Squad: 8				
Investigator:				
	Signature	Print	Date	
Squad Leader: _				
	Title/Signature	Print	Date	
Reviewer:				
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